

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ALFRED KISTENMACHER,

Plaintiff,

v.

JOSEPH LEHMAN *et al*,

Defendants.

Case No. C04-5825RBL

ORDER TO SHOW CAUSE WHY
SANCTIONS SHOULD NOT BE
IMPOSED

This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrates' Rules MJR 1, MJR 3, and MJR 4. Plaintiff has been granted leave to proceed *in forma pauperis*. (Dkt. # 5). At the beginning of this action plaintiff filed a number of improper motions and failed to follow court orders. The court warned plaintiff on two occasions regarding his conduct. (Dkt. # 11 and 12).

Plaintiff was specifically warned that motions designed to delay or needlessly increase the cost of litigation would result in sanctions. (Dkt. # 11).

In August of 2005 a scheduling order was entered in this case. (Dkt. # 28). On January 13th, 2006 defendants moved for summary judgment with a noting date of February 10th, 2006. (Dkt. # 29). Plaintiff did not respond to the motion for summary judgment. Instead, on February 15th, 2006

ORDER

1 plaintiff filed a “notice of appeal” with no explanation as to what order was the subject of the appeal.
2 (Dkt. # 31). There has been no court action or ruling that could be the subject of an appeal. This
3 notice was not filed for a proper purpose. The filing of improper motions and delay of cases from
4 plaintiffs at the Special Commitment Center has become too common an occurrence. The court also
5 notes that this plaintiff used a “legal mail” envelope with the following return address:

6 Richard Roy Scott Pro Se
7 Box 88600
8 Steilacoom Washington 98388

9 Plaintiff will be given until **March 24th, 2006** to show cause why the court should not impose
10 sanctions.

11 The Clerk is directed to send a copy of this Order to plaintiff and note this matter for **March**
12 **24th, 2006.**

13 DATED this 22nd day of February, 2006.

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18 Karen L. Strombom
19 United States Magistrate Judge
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28 ORDER